

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**FRESENIUS KABI USA, LLC and
FRESENIUS KABI DEUTSCHLAND
GMBH,**

Plaintiffs,

v.

CUSTOPHARM, INC.,

Defendant.

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Civil Action No. 1:18-cv-00665-LY

**UNOPPOSED MOTION TO WITHDRAW AS COUNSEL FOR
DEFENDANT CUSTOPHARM, INC.**

TO THE HONORABLE JUDGE:

Fernengel Law, LLC and Gregory D. Fernengel (“Movants”) file this Motion to Withdraw as Counsel for Defendant Custopharm, Inc. (“Custopharm”) pursuant to Local Rule AT-3 and would respectfully show the Court as follows:

1. Fresenius Kabi USA, LLC and Fresenius Kabi Deutschland GMBH originally filed this action against Custopharm on August 6, 2018. Custopharm filed its answer on December 6, 2018.

2. There is good cause for the Court to grant this Motion to Withdraw (the “Motion”) because the Motion is being filed with the express permission of Custopharm as Fernengel Law, LLC is no longer counsel for Custopharm.

3. Custopharm is represented by McGinnis Lochridge LLP and its attorney, Travis C. Barton. Custopharm is also represented by Taft Stettinius & Hollister LLP and its attorneys Stephen R. Auten, Richard T. Ruzich, Donald R. McPhail, and Roshan P. Shrestha, Ph.D.

4. This Motion is not being filed for the purposes of delay. Movants have conferred with opposing counsel and said counsel is unopposed to the relief sought in this Motion. This matter is currently not set for trial.

CONCLUSION AND PRAYER

For these reasons, Movants ask the Court to grant this Motion and allow Fernengel Law, LLC and Gregory D. Fernengel to withdraw as attorneys for Defendant Custopharm, Inc.

Respectfully submitted,

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By: /s/ Gregory D. Fernengel
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on the following using the CM/ECF E-filing System on this 12th day of February 2019:

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